



**MINUTES OF SPECIAL JOINT MEETING OF
THE CITY COUNCIL /REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 17, 2002, 8:00 p.m.**

MEETING

The Special Joint City Council/Redevelopment Agency meeting was called to order by Mayor/RA Chair Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council/RA Member Ward.

ROLL CALL

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR/CHAIR Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

The September Pride in Hayward Award was awarded to the following resides of the Santa Clara Neighborhood: Juan and Jose Zamora; Rhoda Gee; John Butland; and Ronald Baptist and Geraldine Higgins. Mayor Cooper congratulated all of these residents and thanked them for the continuing effort to make Hayward a more beautiful city. She encouraged residents to nominate good neighbors.

PUBLIC COMMENTS

Barbara Swarr commented on actions taken by the Redevelopment Agency in regard to property.

Brian Shott, business owner and resident, commented favorably on the Council's action regarding the Blue Rock development with the exception of the delay on the design guidelines by Council Member Hilson. He urged the Council to put aside differences for the good of the City.

Cynthia Suppus asked that the City notify the neighborhood when it intends to resurface streets. She was given a 48-hour notice of the re-surface and was on vacation; thus her car was towed and cost her over \$400 and another day of vacation. She informed the Council that she was on vacation for 9-10 days.

Mayor Cooper asked staff to comment on the timing of the notice.

Public Works Director Butler reported that it is part of the procedure for this type of project and noted that there is a 72-hour parking limit on the street.

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Kathy Super requested speed humps on Myrtle between C and Meek. She asked that the ordinance be revised to allow their installation on streets that are currently not wide enough. She indicated that she has signatures from neighbors in support.

CONSENT

Item 3 was removed for further discussion.

1. Approval of Minutes of the Special Joint City Council/Redevelopment Agency Meeting of September 10, 2002

It was moved by Council/RA Member Ward, seconded by Council/RA Member Jimenez, and unanimously carried to approve the minutes of the Special Joint City Council/Redevelopment Agency Meeting of September 10, 2002.

2. Approval of Amended Conflict of Interest Code for the Administrative Staff

Staff report submitted by City Clerk Reyes, dated September 17, 2002, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 02-134, "Resolution Approving Amendments to the Conflict of Interest Code for the City of Hayward Administrative Staff and Certain of its Advisors, Consultants, and Task Force Members"

3. Adoption of Positions and Salaries Resolution for Fiscal Year 2002-03

Staff report submitted by Human Resources Director Perrin-Scales, dated September 17, 2002, was filed.

Mayor Cooper opened the public forum at 8:12 p.m.

Susan McDonough, SEIU-790, asked for an explanation on Section 4 of the resolution.

City Manager Armas reported that this section has been included in previous resolutions for over ten years. He noted that this section recognizes that the City has previously agreed that if approved salary increases were impacted that there was a differential of less than 10 percent between a management classification and a subordinate classification, it would accelerate the time frame in which those adjustments would occur. It is based on increases that have previously been approved by the Council.



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Christina Keys said there is no issue with the levels of classifications being 10 percent as long as it does not violate the half percent agreement that was signed by the coalition in April.

Bill Davis, member of the SEIU-790 negotiation team, noted that they tried to address the issues of inequalities and were told that it was not possible at this time. He urged continuance of the issue until all units have discussed this matter.

Council Member Ward confirmed that this issue has been a part of the resolution for a long time and has no effect on the issue of the half percent.

City Manager Armas agreed and clarified further that the language indicates, "A general salary increase previously approved by the Council."

Council Member Ward asked whether Ms. McDonough agreed.

Ms. McDonough responded that, no, she did not understand. If a manager is no longer 10 percent above a subordinate and this needs to be rectified, it is an equity adjustment. That, in turn, means that unit has exceeded their half percent. She said they do not disagree with the concept, however, in negotiations a number of classifications were identified as far behind, which were not fixed. She noted that the same rules should apply to all of the classifications.

The public opportunity to speak closed at 8:20 p.m.

Council Member Dowling utilized his Council prerogative and recommended to put this item over for a week to speak with the union.

City Manager Armas clarified that he would not say anything different from what he had just said. He noted that there is no circumvention intended in this matter, and if desired he said he would notify the various bargaining units as well.

Council Member Dowling said he would utilize his Council prerogative and would like to continue this item for a week to speak with the union.

Council Member Henson clarified that the phrase said, "previously approved," implying that the Council would not do anything beyond this.

City Manager Armas agreed. He confirmed that the various MOUs state what has been approved.

Council Member Dowling asked whether continuing it a week would put anything in jeopardy.

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City Manager Armas responded that it would not.

4. Authorization for the City Manager to Execute a Lease with the Federal Aviation Administration

Staff report submitted by Airport Manager Shiner, dated September 17, 2002, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 02-135, "Resolution Authorizing the City Manager to Execute a Land Lease Agreement Between the City of Hayward and the Federal Aviation Administration (FAA) for Localizer, Runway 28L"

5. Conversion of Digester No. 3 to Primary Mode, Repair of Digester No. 2 Dome: Award of Contract

Staff report submitted by Deputy Director of Public Works/ Utilities Ameri, dated September 17, 2002, was filed.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 02-136, "Resolution Approving Addenda Nos. 1, 2 and 3 and Awarding Contract to AlBay Construction for the Conversion of Digester No. 3 to Primary Mode and Repair of Digester No. 2 Dome, Project No. 7645"

Resolution 02-137, "Resolution Amending Resolution 02-087, as Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2002-03, Relating to an Appropriation of Funds for the Conversion of Digester No. 3 to Primary Mode and Repair of Digester No. 2 Dome Project, Project No. 7645"

HEARINGS

6. Authorization to Issue Grading Permit to C&G Contractors, Inc., for the Slide Repair at Vista Greens Court

Staff report submitted by Deputy Director of Public Works/ Engineering Bauman, dated September 17, 2002, was filed.

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Director of Public Works Butler gave a brief staff report. He described Vista Greens as a condominium complex off of Second Street. The end of the cul-de-sac has experienced a settlement and has to have the fill replaced. He commented that under this grading permit, that would be corrected in accordance with the geo-technical report.

Council Member Henson asked what is a keyway.

Director of Public Works Butler explained that at the toe of the slope, a deep trench is excavated. The slope is started at the bottom of the trench in order to give the slope more stability. The keyway is actually a notch at the end of a slope.

Mayor Cooper opened and closed the public hearing at 8:22 p.m., with no requests to speak.

It was moved by Council Member Henson, seconded by Council Member Rodriquez, and unanimously carried to adopt the following:

Resolution 02-138, "Resolution Finding the Negative Declaration Adequate and Complete and Authorizing the City Engineer to Issue Grading Permit GR PW 2002 0005 to C&G Contractor, Inc., for the Slide Repair of the Cul-de-Sac at Vista Greens Court"

COUNCIL REPORTS

Council Member Henson reported on the National Task Force on Interoperability as part of the National League of Cities Delegation. He attended a meeting over the weekend in Washington, with a committee working on a position paper for the White House as sponsored by the Justice Department. He said his task is to communicate the value of this program with elected officials and public safety personnel. He described a publication called, "Learning to Talk: The Lessons of Non-Interoperability in Public Safety Communication Systems," which talks about various tragedies due to lack of communication. He noted a website for further information and accounts of what can occur without communication at www.justiceworks@unh.edu.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 8:34 p.m. with Council Member Hilson closing in memory of Mayor Ralph Appezato of the City of Alameda. He noted his various accomplishments for Alameda and the community at large, and asked that condolences be sent to his wife, Marilyn and the family.

APPROVED:

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Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency